

"Meetings" has been interpreted and, despite very broad statutory language, the courts have been quite restrictive. A meeting was defined to include only gatherings where members sit as a joint body at an authorized meeting duly assembled. This is based on a California case, *Adler v. the City Council*.

Again, I would hope that the court in construing this provision, would construe it as broadly as possible, but I must admit that the courts with the history of secrecy have generally taken a very restrictive view of language such as that proposed here.

As I have said earlier, the word "records" has been held to mean the more finalized public records, so the notes between the governor and his aide are certainly not within the usual sense records.

Again, we do now have a common law right to records. The aspects of prior notice will be something that, of course, the court will have to interpret. By this we mean reasonable notice. I would certainly think two hours' notice, as the Arkansas approach is, would certainly be appropriate notice.

The enforcement of this would only be by way of injunction or mandamus, and it would only be to open the meeting or to make the records available. That is essentially what this provision says: it shifts the burden from the citizen to prove he has the right to these records, and to attend these meetings, and to have notice of these meetings, to the State to show that he does not have that right.

If there are any questions, I will be glad to answer them.

*(Second Vice-President William James assumed the Chair.)*

DELEGATE JAMES (presiding): Are there any questions, Delegate Raley?

DELEGATE RALEY: Delegate Willoner, one of the questions that immediately jumped into my mind is one that there has been some controversy over before: what about welfare rolls and income tax returns?

DELEGATE WILLONER: This has language modifying "except as otherwise prescribed by law." At the present time a federal statute requires welfare records to be kept secret. So this would not be covered, but this provision is not to be operative. It will be covered in the transitory provisions until we pick the very delightful date, July 4, 1970, and this would give the legis-

lature time to take up any problems. So it will not be any problem.

We have attached a model statute that we lifted from the Harvard Law Review. For those of us who do not like Harvard, perhaps that was a bad choice, but in any event it does show how this kind of problem can be solved by the legislature to protect those areas of privacy.

DELEGATE JAMES (presiding): Delegate Raley.

DELEGATE RALEY: Delegate Willoner, would this prohibit all executive meetings of any governmental body, including county governments and including committees of the legislature?

DELEGATE WILLONER: It would stand as it stands now. Unfortunately, as I said, the case law and interpretation of meetings is limited to those meetings which are formal meetings. As is noted in the mandatory statute where you are discussing personnel matters or where you are discussing acquisition of land, those could be executive sessions, but this would have to be protected by the legislature.

DELEGATE JAMES (presiding): Could the governor meet with the staff in private?

DELEGATE WILLONER: The research in this area was a little difficult. There is an apparent inherent right of the executive staff to meet in private. I would have to say that the language "meeting" in this does not go to meetings of the executive staff. The only law I could find on it was law involving presidential meetings. The President has a right to closed meetings, for example, Cabinet meetings and things like that. My feeling would be that if the meeting was for the purpose of setting forth a policy on which the governor was going to act, the meeting should be open. I would say the staff meeting would not be open.

DELEGATE JAMES (presiding): Any further questions?

DELEGATE RYBCZYNSKI: Delegate Willoner, I just counted the number of delegates on your minority report, and you have fourteen. I am wondering why it is not part of your majority report? Were you meeting in secret, or just what happened?

DELEGATE JAMES (presiding): Delegate Willoner.

DELEGATE WILLONER: I would rather yield to Delegate Hostetter, and let him explain what occurred.